

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN J. RIGAS and TIMOTHY J. RIGAS,

Petitioners,

11-CV-6964 (KMW)

02-CR-1236 (KMW)

**ORDER**

-against-

UNITED STATES OF AMERICA,

Respondent.

KIMBA M. WOOD, District Judge:

On October 4, 2017, this Court denied Petitioners' motion for partial summary judgment for failure to comply with the requirements of Local Rule 56.1 and this Court's Individual Practices. (Doc. No. 150.) That same day, counsel for Petitioners submitted a "Motion for Clarification of Deficiencies" in the form of a letter. (Doc. No. 151.) Petitioners wish to know "the nature of the shortcomings" in their motion for partial summary judgment. Although the nature of the shortcomings in Petitioners' motion for partial summary judgment would be evident to any counsel who read Local Rule 56.1 and this Court's Individual Practices, the Court will specify them here, GRANTING Petitioners' motion for clarification. Petitioners' motion for partial summary judgment remains DENIED.

Both the Local Rules and this Court have set out requirements that every 56.1 statement must satisfy. Among them: (1) each statement "must be followed by citation to evidence which would be admissible," Local Civ. R. 56.1(d), and (2) each paragraph must contain "only *one factual* assertion." Individual Practices of Hon. Kimba M. Wood § 2(G)(i) (emphasis added). In this case, the Court also specifically admonished Petitioners to keep their 56.1 statements "purely

factual,” with each statement being “followed by references to the record that support it.”

(Order, Doc. No. 121.)

But—as the Government points out—Petitioners’ 56.1 Statement improperly contains arguments, legal conclusions, and statements unsupported by “citations to admissible evidence.” (56.1 Opp’n, Doc. No. 142, at 2.) Petitioners’ 56.1 Statement is also replete with paragraphs containing multiple assertions. Petitioners’ motion thus violates Local Rule 56.1, this Court’s Individual Practices, and this Court’s prior Order.

SO ORDERED.

Dated: New York, New York  
October 5, 2017

A handwritten signature in black ink, reading "Kimba M. Wood", is written over a horizontal line.

Kimba M. Wood  
United States District Judge